

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACQUELINE MINION,

Plaintiff,

Case No. 12-12128

v.

Hon. John Corbett O'Meara

EXCEL, INC., *et al.*,

Defendants.

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**ORDER OF PARTIAL DISMISSAL**

On May 10, 2012, Plaintiff Jacqueline Minion filed her complaint alleging the following causes of action: Count I, sexual harassment under Title VII; Count II, sexual harassment under the Elliott-Larsen Civil Rights Act ("ELCRA"); Count III, sex discrimination under Title VII; Count IV, sex discrimination under ELCRA; Count V, race discrimination under Title VII; Count VI, race discrimination under ELCRA; Count VII, race discrimination under Title VII; Count VIII, race discrimination under ELCRA; Count IX, retaliation under Title VII; Count X, retaliation under ELCRA; and Count XI, retaliatory discharge under ELCRA.

Although Plaintiff's Title VII claims are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. Plaintiff does not allege that diversity jurisdiction exists. This court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts II, IV, VI, VIII, X, and XI of Plaintiff's complaint are DISMISSED WITHOUT PREJUDICE.

s/John Corbett O'Meara  
United States District Judge

Date: June 15, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, June 15, 2012, using the ECF system.

s/William Barkholz  
Case Manager